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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID RASMUSSEN, an individual, on
behalf of himself and all others similarly
situated

Plaintiffs,

v.

TESLA, INC., a Delaware corporation.

Defendant.

Case No.: 5:19-cv-04596-BLF

**STIPULATION AND ~~PROPOSED~~ ORDER TO STAY
CASE PENDING MEDIATION**

STIPULATION AND ~~PROPOSED~~ ORDER TO STAY CASE PENDING MEDIATION

CASE No.: 5:19-cv-04596-BLF

1 Plaintiff David Rasmussen (“Plaintiff”) and Defendant Tesla, Inc. (“Defendant”), through their
2 undersigned counsel, hereby stipulate as follows:

3 WHEREAS, on August 7, 2019, Plaintiff filed Class Action Complaint;

4 WHEREAS, on October 10, 2019, after the case was reassigned, the Court set an initial case
5 management conference for January 23, 2020 at 11:00 a.m., and related deadlines;

6 WHEREAS, the parties have agreed to engage in mediation;

7 WHEREAS, the parties are in the process of selecting a mediator, engaging in pre-mediation
8 exchange of information, and scheduling a mediation;

9 WHEREAS, the parties desire to preserve the status quo and prevent the parties and the Court
10 from unnecessarily expending resources pending mediation;

11 WHEREAS, the parties further agree that either party may terminate the stay upon written notice
12 to the opposing party. In that event, Defendant’s response to Plaintiff’s Class Action Complaint shall be
13 due 30 days thereafter, and the parties shall promptly propose a new date for the Case Management
14 Conference;

15 THEREFORE, subject to the approval of the Court, the parties agree and stipulate as
16 follows: The parties shall complete mediation prior to February 28, 2020, and shall submit a
17 report to the Court on or before that date regarding the outcome of the mediation. This matter
18 shall be stayed until February 28, 2020. Defendant’s deadline to respond to Plaintiff’s Class
19 Action Complaint shall be March 13, 2020 and the Case Management Conference currently
20 scheduled for January 23, 2019, at 11:00 a.m. shall be continued to March 26, 2020 at 11:00
21 a.m., or as soon thereafter as shall be convenient for the Court. If, however, either party
22 terminates the stay, Defendant’s response to the Class Action Complaint shall be due 30 days
23 thereafter and the parties shall promptly submit a proposed date for the Case Management
24 Conference.

25
26 IT IS SO STIPULATED.
27
28

1 Dated: October 28, 2019

Respectfully submitted,

2
3 By: /s/ Sean P. Gates
4 Sean P. Gates
5 CHARIS LEX P.C.
Attorneys for Defendant
TESLA, INC.

6 Dated: October 28, 2019

Respectfully submitted,

7
8 By: /s/ Edward C. Chen
9 Edward C. Chen
10 LAW OFFICE OF EDWARD C. CHEN
Attorneys for Plaintiff
11 DAVID RASMUSSEN

12 **ECF ATTESTATION**

13 I, Sean Gates, am the ECF User whose ID and password are being used to file the foregoing
14 STIPULATION AND [PROPOSED] ORDER TO STAY CASE PENDING MEDIATION. In
15 compliance with Local Rule 5-1, I hereby attest that Edward C. Chen has concurred in this filing.
16

17 Dated: October 28, 2019

18
19 By: /s/ Sean P. Gates
20 Sean P. Gates
21 CHARIS LEX P.C.
Attorneys for Defendant
22 TESLA, INC.

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the parties shall complete mediation prior to February 28, 2020, and shall submit a report to the Court on or before that date regarding the outcome of the mediation. This matter shall be stayed until February 28, 2020. Defendant's deadline to respond to Plaintiff's Class Action Complaint shall be March 13, 2020 and the Case Management Conference currently scheduled for January 23, 2019, at 11:00 a.m. shall be continued to March 26, 2020 at 11:00 a.m. If, however, either party terminates the stay, Defendant's response to the Class Action Complaint shall be due 30 days thereafter and the parties shall promptly submit a proposed date for the Case Management Conference.

Dated: October 31, 2019



Honorable Beth L. Freeman
Judge of the United States District Court